

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

LAWRENCE-JAY; HOUSE CAMERON,

Plaintiff,

v.

VALERIE THERRIAN, et al.,

Defendants.

Case No. 4:23-cv-00004-SLG-KFR

ORDER OF DISMISSAL

On March 1, 2023, Plaintiff, a self-represented litigant ("Plaintiff"), initiated this action against Valerie Therrian, Maria-Patrice Bahr, Alice Brown, and Austin Brown.¹ On August 21, 2023, the Magistrate Judge screened the Complaint, found it deficient, but granted Plaintiff leave to file either an amended complaint or a Notice of Voluntary Dismissal by October 20, 2023.² The Court's order was returned to the Court as undeliverable.³ To date, Plaintiff has not responded or otherwise contacted the Court.

Rule 41(b) of Federal Rules of Civil Procedure permits dismissal due to a plaintiff's failure to prosecute or comply with a court order. Further, if a plaintiff

¹ Dockets 1-5.

² Docket 8.

³ Docket 9.

fails to keep a current address on file with the Court, it may result in a dismissal of the case without further notice to the plaintiff.⁴

Before dismissing a complaint for failure to comply with a court order or local rule, courts in the Ninth Circuit must consider five factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁵ A court is not required to “make explicit findings in order to show that it has considered these factors.”⁶

Having considered these five factors, this case must be dismissed. Dismissal without prejudice “minimizes prejudice to a defendant and preserves a plaintiff’s ability to seek relief.”⁷ The Court finds no other lesser sanction to be satisfactory or effective in this case.⁸ Therefore, this case is dismissed, without

⁴ See Local Civil Rule 11.1(b) (requiring a notice of change of address to be filed, as “[s]elf-represented parties must keep the court and other parties advised of the party’s current address and telephone number.”).

⁵ See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (first citing *Thompson v. Housing Auth. of L.A.*, 782 F.2d 829, 831 (9th Cir. 1986); and then citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

⁶ *Id.*

⁷ *Alli v. City and County of San Francisco*, 2022 WL 3099222 (N.D. Cal. 2022) (internal citations omitted).

⁸ See, e.g., *Henderson*, 779 F.2d at 1424 (a district court need not exhaust every sanction short of dismissal before finally dismissing a case but must explore possible and meaningful alternatives) (internal citation omitted); *Gleason v. World Sav. Bank, FSB*, 2013 WL 3927799, at *2 (N.D. Cal. July 26, 2013) (finding dismissal under Rule 41(b) appropriate where the court

prejudice, for failure to comply with a Court order and failure to prosecute this action.

IT IS THEREFORE ORDERED:

1. This action is **DISMISSED without prejudice**.
2. All pending motions are **DENIED as moot**.
3. The Clerk of Court shall issue a final judgment.

DATED this 27th day of November, 2023 at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

previously attempted the lesser sanction of issuing an order to show cause and giving the plaintiff an additional opportunity to re-plead).